

call and from day to day until disposed of.

Adopted.

On motion of Senator Lane,
The Senate adjourned until ten o'clock Monday morning.

EIGHTEENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, Jan. 28, 1889. }

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Woodward,

The reading of the Journal of Saturday was dispensed with.

On motion of Senator Frank,

Senator Field was excused till Thursday, an account of important business.

On motion of Senator Claiborne,

Senator Harrison was excused till Wednesday, on account important business.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, January 26, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 68, being "An act to amend articles 1006 and 1008 of an act passed by the Twentieth Legislature, approved March 25, 1887, entitled an act to amend articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 26, 1885, entitled an act to amend articles 1006, 1007 and 1008 of an act entitled an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature and approved April 9, 1883," and find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 74, being "An act to amend title 34, chapter 1, of the Revised Civil Statutes,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 18, being "An act to require railroad companies in this State to provide separate coaches for passengers of different colors," and find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 126, entitled "An act to amend chapter 3, title 4, of the Penal Code, by adding thereto article 103a."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments, to-wit: Amend by striking out "957," in line 8, of article 103a. Further amend by striking out the words "one hundred dollars" in line 12, and inserting in lieu thereof "two hundred dollars."

The bill seeks to make the failure of any officer to submit a report in accordance with articles 951 and 956 of the Revised Civil Statutes, and fixes the penalty for such offense.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

By Senator Burney:

COMMITTEE ROOM,
AUSTIN, January 26, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 57, entitled "An act to confirm the exchange of lands made

by the land commission of Texas for the University of Texas, and to restore the rejected blocks of land to the public domain."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURNEY,
Chairman.

Bill read first time

COMMITTEE ROOM,
AUSTIN, January 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 121, entitled "An act to amend sections Nos. 29 and 30 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed by the Eighteenth Legislature, February 4th, 1884,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the accompanying amendment:

After section 29 add the following: "Provided, that nothing herein shall be construed to interfere with districts of less area than those herein created."

All of which is respectfully submitted.

BURNEY,
Chairman.

Bill read first time.

PETITIONS AND MEMORIALS.

By Senator Upshaw:

A petition from the citizens of Ellis county asking the enactment of a law prohibiting the sowing of Johnson grass.

Referred to Judiciary Committee No. 2.

BILLS AND RESOLUTIONS.

By Senator Stephens, by request:

A bill to be entitled "An act to amend articles 1636 and 1637, and to add articles 1637a, 1637b, 1637c, 1637d, 1637e to article 1637, chapter 16, title

82, of the Revised Civil Statutes of the State of Texas."

[This bill seeks to more fully define stays of execution after the rendition of any judgment in a court of a justice of the peace, and to give restrictions to same.]

Referred to Judiciary Committee No. 1.

By Senator Stephens, by request:

A bill to be entitled "An act confirming surveys in the county of Greer made by virtue of certain land certificates issued to railroad companies."

Referred to Committee on Public Lands.

By Senator Lane, by request:

A bill to be entitled "An act to enable the State to comply with the terms of its contract for the building of the new State Capitol in issuing patents to the contractor and to refund certain moneys to the contractor which he has paid out for patents to the Commissioner of the General Land Office."

[This bill seeks to refund ten thousand five hundred and twenty-five dollars and eighty cents, or so much thereof as is necessary, to the contractor of the new State Capitol.]

Referred to Committee on State Affairs.

By Senator Glasscock:

A bill to be entitled "An act to amend article 4822, title 97, of the Revised Civil Statutes of the State of Texas, and to add to said title article 4822a."

[This bill provides that persons claiming to have a mortgage or lien on personal property upon which any officer has levied a writ of execution, sequestration, attachment or other like writ, shall make affidavit that his claim is made in good faith, stating the nature of such claim, etc., and that when said property is susceptible of division, it may be divided with a view to satisfy such claim.]

Referred to Committee on State Affairs.

By Senator Abercrombie:

A bill to be entitled "An act to amend article 1234, title 29, chapter 6, of the Revised Civil Statutes of the State of Texas."

[The amendment reads: "Where a defendant (absent from or a non-resident of the State) has been served with such notice, he shall not be required to appear and answer at the

first term of the court succeeding the return day of such notice, but shall be required to file answer on or before the appearance day of the term next succeeding that to which said citation is returnable."]

Referred to Judiciary Committee No. 1.

By Senator Sims:

A bill to be entitled "An act to amend article 2224, chapter 2, title 38, of the Revised Civil Statutes of the State of Texas, relating to depositions of witnesses."

[This bill provides that a commission shall be appointed to take depositions of witnesses outside of the county; that the clerk of the court or the justice of the peace shall take said depositions within the county; and that said officer shall certify that said depositions were signed and sworn to by the witness.]

Referred to Judiciary Committee No. 1.

By Senator Johnson, by request:

A bill to be entitled "An act to amend chapter 8, title LXXXIV, of the Revised Civil Statutes of Texas, by adding thereto article 4205a."

[Article 4205a to read: When any railroad company is sued for any property occupied by it for railroad purposes or for damages thereto, the court in which such suit is pending may determine all matters in dispute between the parties, including the condemnation of the property.]

Referred to Judiciary Committee No. 1.

By Senator Tyler:

A bill to be entitled "An act to fix the times of holding the district court in the Twenty-seventh judicial district of the State of Texas, and to provide for the issuance and return of process therein, and to repeal all laws in conflict with this act."

[This bill provides that the district court shall be held as follows: In Mills county, third Mondays in March and September, continuing two weeks; in Burnett county, on first Mondays in April and October, continuing four weeks; in Lampasas county, on first Mondays in May and November, continuing four weeks; in Bell county, on first Mondays in July and January, continuing until business is disposed of.]

Referred to Committee on Judicial Districts.

By Senator Townsend:

A bill to be entitled "An act to

amend title 42, chapter 4, article 2411 of the Revised Civil Statutes of the State of Texas, relating to furniture, stationery and office room of certain county officers."

[This bill seeks to add to the list of those already entitled to being furnished assessors, collectors and county attorneys, and more fully prescribes the manner of furnishing such furniture, etc.]

Referred to Judiciary Committee No. 1.

By Senator Abercrombie:

Resolved, That Dr. A. D. Mayo, a distinguished educator now in this city, be and is hereby respectfully invited to address the Senate in this chamber to-morrow night at 8 o'clock.

Adopted.

Senator Claiborne moved to reconsider the vote just taken.

Lost.

On motion of Senator Upshaw, by unanimous consent of the Senate, the special order was suspended, and

Senate bill No. 80, a bill to be entitled "An act to repeal an act to provide for the election of a district attorney in the Eighteenth judicial district of the State of Texas, approved March 15, 1887," was laid before the Senate and read a second time with a favorable committee report.

The bill was ordered engrossed.

On motion of Senator Stephens, by unanimous consent of the Senate.

The special order was further suspended and

Senate bill No. 112, a bill to be entitled "An act to reorganize the Thirty-first, Thirty-second and Thirty-ninth judicial districts of, and to create the Forty-fifth and Forty-sixth judicial districts of the State of Texas, to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in the Forty-fifth and Forty-sixth judicial districts, and to repeal all laws in conflict herewith,"

Was laid before the Senate and

Read the second time, with a favorable committee report.

Senator Stephens moved to amend by changing 45 and 46 to 46 and 47 wherever it occurs in the bill or caption.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Stephens,

The constitutional rule requiring bills to be read on three several days was suspended, and

The bill was placed on its third reading and final passage by the following vote.

YEAS—25.

Abercrombie,	Lane,
Allen,	Maetze,
Armistead,	McDonald,
Atlee,	Morris,
Burges,	Seale,
Burney,	Simkins,
Claiborne,	Sims,
Cranford,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Upshaw,
Johnson,	Woodward.
Kimbrough,	

NAYS—None.

The bill was read the third time and

Passed by the following vote:

YEAS—24.

Abercrombie,	Lane,
Allen,	Maetze,
Armistead,	McDonald,
Atlee,	Morris,
Burges,	Seale,
Burney,	Simkins,
Claiborne,	Sims,
Cranford,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Johnson,	Upshaw,
Kimbrough,	Woodward.

NAYS—None.

On motion of Senator Woodward, The special order was further suspended by unanimous consent of Senate, and

Senate bill No. 69, a bill to be entitled "An act to amend article 507, chapter 11, of the Revised Civil Statutes, so as to provide for the incorporation of towns and villages situated on both sides of a line dividing two counties,"

Was laid before the Senate and read the second time with a favorable committee report.

The bill was ordered engrossed.

On motion of Senator Woodward,

The constitutional rule was suspended and

The bill was placed on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Lane,
Allen,	Maetze,
Armistead,	McDonald,
Atlee,	Morris,
Burges,	Seale,
Burney,	Simkins,
Claiborne,	Sims,
Cranford,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Upshaw,
Johnson,	Woodward.
Kimbrough,	

NAYS—None.

ABSENT—2.

Davis.

Pope.

The bill was read the third time and

Passed by the following vote:

YEAS—24.

Abercrombie,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Seale,
Claiborne,	Simkins,
Cranford,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Ingram,	Tyler,
Johnson,	Upshaw,
Kimbrough,	Woodward.

NAYS—None.

ABSENT—3.

Allen,
Davis

Pope.

Senate bill No. 2, a bill to be entitled "An act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas,"

Being the first special order, was laid before the Senate.

Senator Glasscock offered a substitute for the bill, the caption of which is as follows:

A bill to be entitled "An act to authorize the Governor to purchase Sayles & Sayles' correct manuscript of all the existing laws of Texas, civil and criminal."

Senator Abercrombie offered the following resolution:

Resolved, That Senate bill No. 2, and substitute of Senator Glasscock, be referred back to Judiciary Com-

mittee No. 1, with instructions to consider advisability of accepting Sayles & Sayles' proposition to furnish a correct manuscript of existing laws of Texas, with the laws and acts of the present session added, or a bill accepting Sayles & Sayles' proposition to furnish — copies of Sayles & Willson's digests, with the laws and acts of the present session added, for the sum of — dollars.

Adopted,

And the bill, with the substitute, was recommitted.

Senator Lane called up the following House concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring, That a joint committee, to be composed of three Senators and five Representatives, to be appointed by the presiding officers of each house, respectively, whose duty it shall be to visit and examine carefully the condition, management and operation of the penitentiaries, the State farm in Fort Bend county and the different plantations on which convicts are employed, and, as far as practicable, the camps of those in the employ of railroads, with a statement of the number of convicts now in the penitentiaries of the State, and the number hired out, the practicability of working all such convicts in prison walls, the additional penitentiary room necessary to do so, the best manner of constructing the same, and the probable cost thereof; and, in the event said committee find it impracticable to work all such convicts in prison walls, then to investigate and report the best and most practical manner of working all such convicts so as to prevent escapes and competition with the honest labor of the country, and make a report of the same to the Legislature, together with such suggestions and recommendations as they may deem fit and proper, the expense of said joint committee to be paid out of the contingent fund of the Twenty-first Legislature.

On motion of Senator Abercrombie, The consideration of the resolution was postponed until to-morrow.

The Senate was notified by the Governor of the appointment of the following notaries public:

DE WITT COUNTY.

Y oakum—John M. Green, D. T. Price.

Hockheim—J. N. Schwab.

Cuero—Otto Stacker, Venable B. Proctor.

VICTORIA COUNTY.

Victoria—F. R. Pridham, A. B. Peticolas, A. S. Thurmond, C. L. Thurmond, James J. Jones, A. B. Caviel, Geo. Howard.

JACKSON COUNTY.

Ganado—O. S. York.
Edna—Geo. A. Staples, J. S. McNutt, J. W. Allen, A. Schmidt, H. T. Chivers, R. Milby, W. A. McDowell.

LIVE OAK COUNTY.

Oakville—T. H. O'Callaghan.

WILSON COUNTY.

Floresville—J. B. Petty.

ATASCOSA COUNTY.

Rossville—T. Phelps.

BELL COUNTY.

Oenaville—Lowe M. Benson.
Troy—J. Q. Thompson.
Temple—Henry A. Clegg, Samuel J. Sheffield, J. W. Moffett.
Belton—J. Z. Miller, jr., Jesse W. Pierce, J. J. Thompson, W. K. Saunders, W. E. Frieze, W. E. Hall, D. L. Russell.

BRAZOS COUNTY.

Bryan—E. A. Stuart.

JONES COUNTY.

Anson—B. Frank Bowie, Dan M. Jones, W. M. Smith.

NOLAN COUNTY.

Sweetwater—J. H. Beall, R. A. Ragland, R. L. McCauley, D. S. Arnold, F. A. Fisher, W. H. Cowan, J. W. Germany, H. C. Hood.

CROSBY COUNTY.

Estacado—K. E. Hoy, J. W. Murray, J. W. Hammoch, R. P. Smyth.

CHILDRESS COUNTZ.

Childress—A. J. Fires, E. T. O'Neal, S. P. Britt.

HANSFORD COUNTY.

Farwell—Orton L. Hughes.

HEMPHILL COUNTY.

Canadian—F. S. Lard.

HASKELL COUNTY.

A. C. Foster, H. R. Jones, F. P. Morgan, S. H. Johnson, R. C. Lomax, H. G. McConnell, W. E. Johnson, F. J. Alexander.

SHACKLEFORD COUNTY.

Albany—T. J. Ground, R. H. Hill, S. Wibb, D. C. Campbell.

STONEWALL COUNTY.

Anson—D. L. Flynt.

TAYLOR COUNTY.

Abilene—Theo. Heych, Wm. Torry, J. E. Wills, H. L. Bentley.

OCHILTREE COUNTY.

Ochiltree—R. S. Cutter.

KNOX COUNTY.

Benjamin—J. M. Morgan.

WICHITA COUNTY.

Wichita Falls—Ashby S. James, R. E. Huff.

WILBARGER COUNTY.

Vernon—D. R. Britt, S. P. Britt, Chas. Verne, John A. Nabers.

MITCHELL COUNTY.

Colorado—R. L. Boren, R. A. Jeffress, R. H. Looney, W. S. Smallwood, W. C. Henderson, A. MacLean, W. J. Miller, C. H. Earnest.

CALLAHAN COUNTY.

Baird—F. S. Bell, W. H. Coffman, A. A. Bell, W. H. Clutt, A. G. Webb.

FISHER COUNTY.

Hobbs—L. B. Allen.
Roby—W. W. Beall, R. C. Crane.

LIPSCOMB COUNTY.

Higgins—E. C. Gray.
Lipscomb—Ira H. Kasben.

WHEELER COUNTY.

Mobeetle—M. M. French, W. H. Grigsby, T. D. Hobart, J. O. B. Street.

HARDEMAN COUNTY.

Margaret Postoffice—Duncan G. Smith.

DONLEY COUNTY.

Clarendon—James H. Parks, J. N. Browning.

JONES COUNTY.

Anson—C. P. Woodruff, C. D. Davis, J. K. Little, A. H. Kirby, Samuel P. Ford, Dan M. Jones, R. F. Bule.

KNOX COUNTY.

Benjamin—J. M. Morgan, Jno. J. Brents, G. B. Stewart.

LIPSCOMB COUNTY.

Lipscomb—E. C. Gray.

MARTIN COUNTY.

Marionfield—A. Rawlins, Adam King.

MIDLAND COUNTY.

Midland—J. C. Kerr.

MITCHELL COUNTY.

Colorado—W. J. Hatch, Ivey H. Burney, R. A. Jeffress, J. H. Harrison, R. H. Looney, A. Maclean, C. H. Earnest, Thos. Q. Mullins, R. L. Boren.

MOTLEY COUNTY.

Matson—J. M. Campbell.

NOLAN COUNTY.

Sweetwater—H. C. Hord, J. H. Beal, R. A. Ragland, D. S. Arnold, J. F. Edson, F. A. Fisher, W. H. Cowan, J. W. Germany, J. W. Posey.

HARDEMAN COUNTY.

Margaret—M. M. Hawkins, S. P. Ferguson, L. M. Logan, J. M. Standlee.

Qunah—W. J. Jones.
Chillicothe—C. E. Jones.

HASKELL COUNTY.

Haskell—A. C. Foster, W. C. Ballard, R. C. Lomax, H. R. Jones, S. H. Johnson, F. P. Morgan, H. G. McConnell, Ed J. Hamber.

CLAY COUNTY.

Henrietta—John T. Craig, John F. Conn, C. W. Cullom, W. M. Weddington, J. C. Chesnutt, R. D. Wellborne, George A. Watts, D. T. Bomar, W. G. Eustis, J. E. Bomar, B. L. Frost, E. B. Munday, W. B. Stickney, A. K. Swan, C. B. Patterson, L. C. Barrett, J. A. Templeton, V. Stine, S. G. Bradsford.
Myrtle—M. E. Ivie.

CROSBY COUNTY.

Estacado—George M. Hunt.

ARCHER COUNTY.

Archer—F. E. Dycus, L. Abercrombie, L. W. Hart, Miss Lillian Hart.

ATASCOSA COUNTY.

Pleasanton—Isaac H. Cavender.
Benton—J. L. McCaleb.

BAYLOR COUNTY.

Seymour—J. R. McLain, Mort H. Stark, D. F. Goss, Jo. Woodyear, S. I. Newton.

CALLAHAN COUNTY.

Baird—W. H. Cliett, A. G. Webb, F. S. Bell, A. A. Bell, D. Richardson, A. G. Willis.

OLDHAM COUNTY.

Tascosa—James H. East.

SCURRY COUNTY.

Snyder—A. C. Wilmeth.

SHACKELFORD COUNTY.

Albany—L. W. Campbell, L. H. Hill, S. Webb, D. C. Campbell, J. L. Fisher, S. F. Stinson.
Hulltown—J. T. Grounds.

TAYLOR COUNTY.

Abilene—E. H. Sintenas, J. G. Currie, H. H. Johnson, M. C. Lambeth, Thos. M. Willis, H. A. Tillett, M. W. Nothington, sr., J. E. Cockrell, G. B. Triplett, B. A. Cox, K. K. Leggett, M. A. Spoons, D. B. Corley.
Merkel—Ed Curd.

WILBARGER COUNTY.

Vernon—W. N. Seveir, F. C. Beckett, H. C. Thompson, D. R. Britt, R. P. Elliott, C. F. Doan, Chas. Wheeler, C. C. Wells.

WHARTON COUNTY.

Wharton—R. M. Brown, B. D. King, G. G. Kelley, John L. Croom, Jr., H. T. Compton.

COLORADO COUNTY.

Columbus—E. J. Sandmeyer, Carey Shaw, C. W. Harrison.

Oakland—John H. Mullen, J. W. Rees.

Vox Populi—L. M. Jones.

Bernardo—George Max.

Eagle Lake—J. J. Mansfield.

Frelsburg—E. A. Malsch.

Weimar—T. A. Hill, J. H. Fisher, J. C. Kindred.

GONZALES COUNTY.

Gonzales—W. J. Bright, T. B. Little, G. W. Betts, W. S. Fly, T. M. Harwood, Charles A. Burchard, W. W. Glass.

Waelder—J. B. Hill.

Smiley Lake—Wm. Abernethy.

Winton—J. H. Cole.

Wrightsboro—W. F. King.

Belmont—W. H. Rather.

Leesville—W. W. Littlefield.

LAVACA COUNTY.

Hallettsville—R. F. Skrehot, Jessie Green, R. B. Allen, French Simpson.

Sweet Home—C. B. Patton.

Breslau—W. H. Streibeck.

Moravia—J. M. Burford.

Hackberry—W. G. Chapman.

Baurs—R. F. Joeggli.

Antioch—H. C. Youngkin.

Ezzell—J. D. Garner.

Shiner—L. P. Amsler.

Yoakum—T. Y. Plume.

TARRANT COUNTY.

Fort Worth—John E. Arnold, Wm. G. Newby, N. P. Ball, John S. Kennedy, C. A. Galbraith, W. G. Veal, F. A. Smith, R. W. Cannon, Hyde Jennings, J. B. Prather, N. B. Moore, D. D. Wall, Malcolm Scougale, T. B. Wood, R. H. Sellers, George Massie, M. C. Billings, R. H. Orr, M. T. Bradley, D. W. Humphreys, W. R. Booth, C. C. Cummings, H. C. Jewell, T. P. Lenoir, W. L. Ligon, R. L. Carlock, George E. Holland, O. M. Kern, Robert S. Blair, Ed F. Warren, J. J. Melton, Newton H. Lassiter, Caleb L. Terrell, Robert G. Johnson, B. J. Houston, C. M. Templeton, G. P. Meade, Thos. Slack, G. Nance, D. S. Brown, F. Brantley.
Kennedale—W. H. Hardin.

Keller—T. W. Prevoett.
 Weatherford—W. R. Violett, W. S. Fant.
 Azle—J. H. Snodgrass.
 Arlington—W. H. Kimbrough.

SMITH COUNTY.

Tyler—T. B. Butler, I. J. Rice, A. D. Kelley.
 Lindale—T. W. Jarvis.

GREGG COUNTY.

Longview—W. D. Fisher.

LEE COUNTY.

Giddings—R. E. Harris, J. L. Rousseau, F. Raube.
 Lexington—B. J. Fletcher, W. R. Doak, W. H. Coffman.
 Tanglewood—R. H. Flanekin.

BASTROP COUNTY.

Smithville—Daniel Gettings, R. A. Brooks.
 Bastrop—D. M. Scott, R. L. Batts, J. P. Fowler, L. Heiligbradt, John M. Finney, F. A. Orgain, F. C. Highsmith.
 Eagle Branch—W. A. Highsmith.
 Elgin—J. E. B. Laird, J. W. Briggs, R. P. Jones.
 Cedar Creek—W. A. Warnel, J. R. Joyner.
 Paige—E. W. Farmer.
 McDade—J. W. Westbrook, W. K. Benson.
 Upton—J. W. Shook.

FAYETTE COUNTY.

Flatonia—E. A. Arnim, F. A. Hess, I. T. Lane, G. G. Moore, A. D. Paulos.
 Muldoon—T. J. Ivy.
 Colony—J. W. Bigley.
 Cistern—W. S. Chunn.
 Waldeck—A. F. Darnwell.
 Plum—J. T. Drisdale.
 LaGrange—E. C. Phelps, W. S. Robson, J. C. Stiehl, Andrew Jackson, Percy Farson, N. W. Williams.
 Warda—A. E. Falke.
 Nassau—A. Gross.
 Schulenberg—W. J. Hilderbrand, A. F. Kaufman.
 Round Top—E. Henkle.
 Cedar—A. Koester.
 Warrentown—A. C. Lenest.
 O. Quin—C. Bruns.
 Zaff—Wm. Muenzler.
 Proha—A. Nesrsta.
 Ellinger—C. J. Von Rosenberg.
 Ledbetter—J. C. S. Schermerhorn.

Swiss Alps—Aug. Windmeyer.
 Ruttersville—H. Amberg.

HENDERSON COUNTY.

Athens—G. V. Adams, J. E. Grigsby, J. T. Meredith (now county surveyor), W. T. Eustace (now county superintendent of public instruction), W. F. Neff, Joseph Larne, W. L. Faulk.
 Brownsboro—W. A. McLeod, L. M. Green.
 New York—W. M. Morris, J. H. Reynolds.
 Fincastle—H. C. Turner, T. L. Garland.
 Goshen—J. C. Warren, Starlin Reynolds.

M'LENNAN COUNTY.

Waco—W. D. Herring, W. W. Evans, Andrew Goddard, James P. Anderson, John T. Walton, Henry Pickles, W. S. Kincheloe, W. M. Flournoy, R. H. Rogers, J. R. Downs, Thomas C. Smith, George H. Smith, Charles H. Ledwaiser, R. G. Pedcocke.
 Patton—W. C. Barnett.
 McGregor—W. C. O'Bryan.

BRAZORIA COUNTY.

Columbia—I. W. Hanks, W. F. Swain, John Adriance.
 Brazoria—Ben Fort Smith, W. H. Sharp, W. S. Brooks, W. H. Chinn, Archibald R. Masterson, D. F. Rowe.
 Phaer—I. Thomas Stratton.
 Alvin—S. M. Jack.
 Velasco—Antony Metcalf.
 Perry's Landing—R. R. Brown, jr.
 Damond's Mound—J. G. Forrest.
 Liverpool—John Booth, George Mollen.

FALLS COUNTY.

Marlin—E. M. Eddins, M. H. Curry, Chas. H. Bartlett, Jas. A. Keigwin, W. W. Hunnicutt, J. F. Knox, M. H. Curry.
 Perry—Wm. Hander, Walter B. King.
 Rupee—Geo. A. Hodges.
 Reagan—J. V. Wright, D. H. Boyles, W. P. Marlin.
 Viesca—Matt Jones.
 Stranger—W. R. Block, J. M. Foster.
 Blevins—P. N. Dilworth.

M'LENNAN COUNTY.

Waco—R. W. Andrews, Wm. W. Evans, Geo. Willeg, W. S. Kincheloe,

Henry Pickles, Jno. T. Walton, L. B. Black, Stark West, John F. Flint, Jno. P. Anderson, Richard I. Monroe, Thos. C. Smith, E. A. McKinney, D. H. Hardy, J. N. Gallagher, Jas. I. Moore, Geo. H. Smith, J. B. Gilmer, Frank Grady, J. R. Downs, M. C. H. Park, E. M. Ewen.

McGregor—Will C. O'Bryan, H. C. Mills.

Hewett—Isham Earle.

Mart—J. K. Dunn.

Crawford—J. W. Frost.

Lorena—H. C. Williams.

Moody—W. F. Routh.

Senate bill No. 132, a bill to be entitled "An act to define the liability of corporations in cases of personal injuries to employees,"

Being the second special order, was laid before the Senate,

Read the second time and ordered engrossed.

On motion of Senator Claiborne,

Senate bill No. 120, a bill to be entitled "An act to amend article 339, chapter 83 of the general laws of Texas, approved March 29, 1887, and article 341, chapter 4, title 10 of the Penal Code of the State of Texas, and by adding thereto articles 341a and 341b."

Was made the special order for Friday after morning call and from day to day till disposed.

Senate bill No. 18, a bill to be entitled "An act to require railroad companies in this State to provide separate coaches for white and colored passengers,"

Was taken up, read the third time and passed.

Senate bill No. 11, a bill to be entitled "An act to amend article 1192 of the Revised Statutes,"

Was laid before the Senate, and

Read the second time, with a favorable committee report.

Senator Simkins moved to

Amend in line 5 by inserting after word "pleadings," "may file suggestions of death and make representatives parties and make new parties."

Adopted.

Senator Lane moved to

Amend section 1 by adding thereto "as they may desire."

Adopted.

Senator Stephens moved to

Amend by adding after the word "court," in line 11, the words "Provided, that it shall be the duty of the party filing such pleading to notify the opposite party or their attorneys of the filing of such papers within five days from the filing of the same."

Adopted.

The bill as amended was ordered engrossed.

House bill No. 31, a bill to be entitled, "An act to authorize the Governor, when in his judgment the circumstances surrounding each case may warrant him so doing, to restore to full citizenship, with the right of suffrage, any person who may have been convicted of a felony, and who may have served out his term in the penitentiary or have been pardoned,"

Was laid before the Senate,

Read the second time with a favorable committee report, and ordered engrossed.

Senator Lane sent up the following minority report, on Senate bill No. 5.

COMMITTEE ROOM,

AUSTIN, January 26, 1889.

Hon. T. B. Wheeler, President of the Senate:

We, a minority of your Committee on Internal Improvements, respectfully beg leave to dissent from the majority report on Senate bill No. 5, and recommend that said bill do not pass, for the following reasons, to-wit:

1. Because we believe that the provisions of said bill, in so far as it attempts to confer upon the commissioners therein named the power to fix rates of freight charges, to be in direct violation of the plain provisions of the Constitution of the State of Texas, wherein it requires the Legislature to fix maximum rates of freight charges for railway companies, and we deny the right of the Legislature by enactments to delegate this plain duty to any other agency, or avoid the responsibility by an evasion of the same as is attempted by this bill, wherein it says that the maximum rate shall be twenty-five cents per hundred pounds per hundred miles, and then makes it the duty of such commissioners to say whether or not such companies shall have the right to charge said maximum rate, and to classify all freights and fix rates for each class; thus giving said commissioners power to class all freights at a low rate, and leave nothing that could be hauled at the maximum rate, if they saw proper to do so.

Second. Because we realize that by the provisions of this bill, if it becomes a law, we place in the hands of these men property worth not less than the enormous sum of two hundred and fifty million dollars, with powers sufficient to practically confiscate the same; and we do not believe it right to the people or just to

the owners of this property, that any such powers should be conferred on any three men.

Third. Because we believe the passage of this bill would greatly retard the building of railroads in Texas, whereas the necessities of the people and State require that many more miles of road should be built. We believe that the policy should be to encourage and not to discourage the building thereof.

Fourth. Because we believe that there are now pending before the Legislature many bills which if passed will afford the people all relief they desire and not incur the enormous expense consequent upon the passage of this bill by creating a new department of government, the amount of which can not be calculated.

All of which is respectfully submitted.

WOODWARD,
LANE,
ATLEE,
STEPHENS,
SIMS,
POPE,
INGRAM.

Senate bill No. 32, a bill to be entitled "An act to amend chapter 4, title XCIII, of the Revised Civil Statutes of the State of Texas, by adding thereto another article, to be known as article 4610a, relating to the mode for preventing certain animals from running at large in counties and subdivisions."

Was laid before the Senate and

Read the second time, with a favorable committee report.

Senator Burney moved to strike out "fifty" in line 10, page 1, and insert "two hundred."

Senator Stephens moved to

Amend the amendment by adding to article 4610a: Provided, that no such election shall be ordered unless a majority of the freeholders of the county shall petition the commissioners' court to order such election.

Lost.

Senator Johnson moved

Amend the amendment by inserting in line 10, section 1, the words "who are freeholders."

Accepted.

Senator Burney's amendment as amended was adopted.

Senator Allen moved to strike out in line 7 "twelve months" and insert "two years."

Adopted.

Senator Tyler moved to

Amend line 12 by striking out "20" and inserting "50."

Lost.

Senator Kimbrough moved to

Amend by striking out "twenty" in line 12 and inserting "forty."

Senator Simkins offered the following substitute for the amendment:

Amend by striking out twenty and insert one-third of the freeholders who are voters in said sub-division, as determined by tax roll of preceding year.

The substitute was adopted for the amendment.

The amendment as substituted was adopted, as a part of the bill.

Senator Burney moved to

Amend by inserting the word, "and the stock law adopted," after word "therein," in line 8, section 1, page 1, of the bill.

Adopted.

Senator Stephens moved to

Amend line 23 by striking out "sixty days" and insert "six months."

Senator Tyler moved to

Substitute the amendment by striking out "six months" and inserting "twelve months."

On motion of Senator Johnson,

The substitute was tabled.

The amendment offered by Senator Stephens was adopted.

Senator Glasscock moved to

Amend page 2, line 12, by inserting after the word "voters" the words "in any precinct petitioning therefor."

Senator Morris moved the previous question on the amendment and the bill.

Seconded.

The main question was ordered.

Senator Glasscock's amendment was adopted and

The bill was ordered engrossed.

On motion of Senator Lane,

The Senate adjourned till 10 o'clock to-morrow morning.

NINETEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Jan. 29, 1889. }

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Dr. Poindexter.

On motion of Senator Burges,

The reading of the Journal of yesterday was dispensed with.